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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOEL KENNETH AUSBIE,

Defendant.

Case No. 2:16-cr-00155-JCM-CWH

**STIPULATION FOR TURNOVER  
OF SEIZED FUNDS TO  
CLERK OF COURT**

The United States of America (“Government”) and Defendant Joel Kenneth Ausbie (“Ausbie”), by and through their counsel of record, hereby stipulate as follows:

**IT IS HEREBY STIPULATED AND AGREED** that the \$19,594 seized from Ausbie at or near the time of his arrest, which funds are currently in the possession of the FBI, shall be turned over by the FBI to the Clerk of Court for application toward Ausbie’s restitution order.

**IT IS FURTHER STIPULATED AND AGREED** that the funds shall be held by the Clerk of Court and shall not be disbursed until further order of this Court and/or the Ninth Circuit Court of Appeals and/or stipulation of the parties.

**IT IS FURTHER STIPULATED AND AGREED** that upon approval of this stipulation by the Court, the Government’s Motion for Turnover and Application of Seized Funds to Restitution, ECF No. 174, may be deemed withdrawn.

**IT IS FURTHER STIPULATED AND AGREED** that the restitution order against Ausbie is a final order notwithstanding the fact that the judgment is currently on appeal. *See* Ninth Circuit Case No. 18-10053; *see also* 18 U.S.C. § 3664(o). This stipulation does not

operate as a stay of the judgment nor does it preclude the United States from pursuing all available remedies to collect on the judgment. It is agreed, however, that any additional funds paid by Ausbie or collected by the United States shall be held by the Clerk of Court until the appeal is resolved and/or further order of this Court. The reason for this stipulation is the parties' recognition that the pending appeal could impact the amount and/or validity of restitution ordered. *See* 18 U.S.C § 3664(o)(1)(B). The parties further acknowledge that the restitution order was made payable jointly and severally between Ausbie and his co-defendants, meaning that any amount received from other co-defendants shall inure as a credit to the restitution amount owed by Ausbie.

**IT IS FURTHER STIPULATED AND AGREED** that by entering into this stipulation Ausbie is not conceding any issues of fact or law, or making any factual admissions regarding the prosecution in this matter.

Respectfully submitted this 19th day of July 2018.

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**IT IS SO ORDERED:**

  
UNITED STATES DISTRICT JUDGE

DATED: July 23, 2018